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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
[illegible]	[illegible]	[illegible]	[illegible]

KEVIN MC MAHON
DAVIS, HOXIE, FAITHFULL & HAPGOOD
45 ROCKEFELLER PLAZA
NEW YORK, N.Y. 10111

EXAMINER	
ROLLINS, J	
ART UNIT	PAPER NUMBER
[illegible]	19

DATE MAILED: [illegible]

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

[ ] This application has been examined [X] Responsive to communication filed on Jan 21, 1987 & Mar 1, 1987 [X] This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), — days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. [ ] Notice of References Cited by Examiner, PTO-892.
2. [ ] Notice re Patent Drawing, PTO-948.
3. [ ] Notice of Art Cited by Applicant, PTO-1449
4. [ ] Notice of informal Patent Application, Form PTO-152
5. [ ] Information on How to Effect Drawing Changes, PTO-1474
6. [ ] ______

Part II SUMMARY OF ACTION

1. [X] Claims 42-48 and 86-140 are pending in the application.

   Of the above, claims ______ are withdrawn from consideration.

2. [X] Claims 1-41 and 49-85 have been cancelled.
3. [ ] Claims ______ are allowed.
4. [X] Claims 42-48 and 86-140 are rejected.
5. [ ] Claims ______ are objected to.
6. [ ] Claims ______ are subject to restriction or election requirement.
7. [ ] This application has been filed with informal drawings which are acceptable for examination purposes until such time as allowable subject matter is indicated.
8. [ ] Allowable subject matter having been indicated, formal drawings are required in response to this Office action.
9. [ ] The corrected or substitute drawings have been received on ______. These drawings are [ ] acceptable; [ ] not acceptable (see explanation).
10. [ ] The [ ] proposed drawing correction and/or the [ ] proposed additional or substitute sheet(s) of drawings, filed on ______, has (have) been [ ] approved by the examiner. [ ] disapproved by the examiner (see explanation).
11. [ ] The proposed drawing correction, filed ______, has been [ ] approved. [ ] disapproved (see explanation). However, the Patent and Trademark Office no longer makes drawing changes. It is now applicant's responsibility to ensure that the drawings are corrected. Corrections MUST be effected in accordance with the instructions set forth on the attached letter "INFORMATION ON HOW TO EFFECT DRAWING CHANGES", PTO-1474.
12. [ ] Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has [ ] been received [ ] not been received [ ] been filed in parent application, serial no. ______; filed on ______.
13. [ ] Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. [ ] Other

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless-
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent.
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.
>
> (f) he did not himself invent the subject matter sought to be patented.

The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
>
> Subject matter developed by another person, which qualifies as prior art only under subsection (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 89-123 are rejected under 35 U.S.C. 102 (a), (b), (e) and (f) as anticipated by or, in the alternative, under 35 U.S.C. 103 as obvious over Lormeau et al. Patent '662, '758 and '770 for reasons of record.

The references discloses heparin fractions and compositions of the types claimed.

Applicant's arguments filed January 2, 1987 have been fully considered but they are not deemed to be persuasive.

Applicants' urging that Lormeau et als patents heparin fractions are just fractions obtained by depolymerization of naturally occurring heparin and that the instant compounds are synthetically prepared does not overcome this rejection. That the present compounds are synthetically prepared does not patentably distinguished them over the naturally occuring counterparts. Applicants' also argue that the characteristics of the present compounds and compositions produced unexpected results.

However, the presents claims do not set forth any distinctive characteristics or properties. Hence, the instant compounds and compositions ~~compounds~~ are deemed to be anticipated hereby or obvious from the cited prior art.

Claims 42-48, 86, 87 and 124 are rejected under 35 U.S.C. 103 as being unpatentable over Szarek et al., Nair et al., the PCT French patent or the Kochetkov et al reference for reasons of record.

Applicants' remarks have been carefully considered but are not deemed to be persuasive.

The presents arguments have been rebutted in paper no. 10 and in the absence of evidence to the contrary the present process is deemed obvious in view of the cited prior art.

Claim 88 is again rejected under 35 U.S.C. 103 as being unpatentable over Szarek et al., Nair et al, PCT French Patent and Kochetkov et al for the reasons stated above in combination with Touey et al and Certin et al for the reasons set forth above and in the last Office action.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). The practice of automatically extending the shortened statutory period an additional month upon the filing of a timely first response to a final rejection has been discontinued by the Office. See 1021 TMOG 35.

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 CFR 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Serial No. 457931

Art Unit 123

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John W. Rollins, Ph.D. whose telephone number is (703) 557-0364.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 557-3920.

Johnnie R. Brown

J. R. BROWN
SUPERVISORY PATENT EXAMINER
ART UNIT 123

ROLLINS:wdh

3/28/87